




FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: The Commissioners
Staff Director
Deputy Staff Director
General Counsel

FROM: Office of the Commission Secretary 

DATE: August 26, 2002

SUBJECT: Statement Of Reasons for MUR 5130

Attached is a copy of the Statement Of Reasons for MUR 5130
signed by Chairman David M. Mason, Vice Chairman Karl J. Sandstrom,
Commissioner Danny L. McDonald, Commissioner Bradley A. Smith,
and Commissioner Scott E. Thomas.

This was received in the Commission Secretary's Office on
Monday, August 26, 2002 at 10:50 a.m.

cc: Vincent J. Convery, Jr.
OGC Docket (5)
Information Division
Press Office
Public Disclosure

Attachment

22-04-405-4627



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

BEFORE THE FEDERAL ELECTION COMMISSION

In re Simmons for Congress, et al.

MUR 5130

STATEMENT OF REASONS

On October 29, 2001, the Office of General Counsel recommended that, pursuant to the Enforcement Priority System, the Commission take no action in MUR 5130 because the matter was less significant relative to other matters pending before the Commission. In lieu of approving this recommendation, the Commission, on November 6, 2001, voted unanimously¹ to find reason to believe that Simmons for Congress Committee and Anne Simeone, as treasurer, violated 2 U.S.C. § 441d, send an admonishment letter, take no action with respect to the respondents and close the file.

Complaint and Response

The Complaint alleged that a full-page advertisement placed by the Simmons for Congress, which expressly advocated Rob Simmons' election to Congress, did not contain the required disclosure identifying the person who paid for the ad and authorized its publication. In its response, the Committee admitted that the advertisement ran in *The Connecticut Legionnaire* magazine without an appropriate disclaimer. The Committee pointed out, however, that it had submitted the advertisement to the printer with the appropriate disclaimer in place. In a letter attached to the Committee's response, the printer states that "[t]he line of type reading 'Paid for by Simmons for Congress' was inadvertently removed from [sic] bottom of the political advertisement." Attachment to November 9, 2000 Response.

Analysis

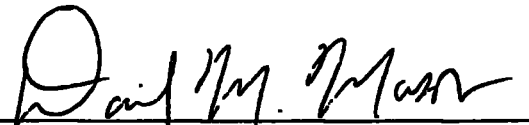
General public political advertising containing express advocacy paid for by an authorized committee must contain a disclaimer stating that the communication was paid for by

¹ Commissioner Wold voted with the unanimous Commission but is no longer a Member of the Commission.

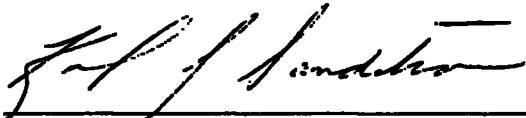
22-04-405-4628

the authorized committee. 2 U.S.C. § 441d(a)(1). Given Respondent's admission that the advertisement did not contain the required disclaimer, the Commission found reason to believe that Simmons for Congress, Inc. violated 2 U.S.C. § 441d. Nonetheless, even though the Committee should have proofed its ad before printing and publication, the Committee's violation is mitigated by the fact that it submitted the advertisement to its printer with the disclaimer attached and, thus, printer error was the primary cause of the violation. This fact, along with the violation being less significant compared to others matters pending before the Commission, justifies taking no further action beyond sending an admonishment letter.

August 27, 2002



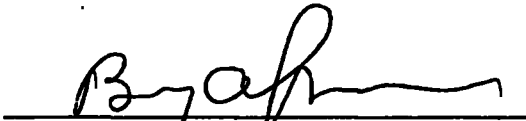
David M. Mason
Chairman




Karl J. Sandstrom
Vice Chairman



Danny L. McDonald
Commissioner



Bradley A. Smith
Commissioner



Scott E. Thomas
Commissioner

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